

REMARKS

Applicants have received and carefully reviewed the Final Office Action of the Examiner mailed October 24, 2008 and the Advisory Action mailed January 30, 2009. Currently, claims 1-2, 4-11, 33, and 35-38 remain pending. Claims 1-2, 4-11, 33, and 35-38 have been rejected. With this Amendment, claims 1, 6, 33, and 35 have been amended and claim 8 has been canceled. Favorable consideration of the following remarks is respectfully requested.

Advisory Action

The Advisory Action mailed January 30, 2009 indicated that the Amendment After Final filed December 22, 2008 would not be entered. Applicants expressly request non-entry of the same Amendment After Final.

Examiner Interview

Applicants thank the Examiner for the courtesies extended during the telephonic interview between the Examiner and Applicants' representative, Benjamin J. Nyquist, on February 12, 2009. In the brief telephonic interview, the Examiner indicated that the current amendment to claim 1 would appear to overcome the rejection under 35 U.S.C. § 102, but a more thorough review would be required. No agreement was reached.

Claim Rejections under 35 U.S.C. § 102

On page 2 of the Final Office Action, claims 1, 2, 4-11, 33 and 35-38 were rejected under 35 U.S.C. §102(b) as being anticipated by Engelson (U.S. Patent No. 5,095,915). After careful review, Applicants respectfully traverse this rejection.

Turning to claim 1, which recites:

1. A medical device, comprising:
 - an elongate core member having a longitudinal axis, wherein the core member includes a solid cross-sectional portion having a solid, non-hollow cross-section taken perpendicular to the longitudinal axis;
 - a polymer jacket affixed to at least a portion of the solid cross-sectional portion of the core member, the polymer jacket having a textured outer surface having a first diameter; and
 - wherein the textured outer surface includes a helical groove having a second diameter, less than the first diameter, formed in the outer surface of the polymer jacket, the helical groove defined by one or more rounded edges extending between the first diameter of the outer surface and the second diameter of the helical groove.

Nowhere does Engelson teach or suggest “the helical groove defined by one or more rounded edges extending between the first diameter of the outer surface and the second diameter of the helical groove”, as recited in claim 1.

In the Final Office Action, the Examiner indicated that the shape of the edge depends on the orientation from which it is viewed. As such, the Examiner asserted that a longitudinal cross-sectional view of the edges of Engelson read on the claimed language. Applicants respectfully assert that the current recitation of claim 1, “the helical groove defined by one or more rounded edges extending between the first diameter of the outer surface and the second diameter of the helical groove”, distinguishes claim 1 from Engelson.

An ordinary reading of the claim language clearly indicates that the “one or more rounded edges” extend between the first diameter of the outer surface and the second diameter of the helical groove. From this, it is clear that the portion of the edges extending in the radial direction, as opposed to the circumferential direction, is rounded. Thus, the only interpretation that would be consistent with an ordinary reading of the aforementioned claim language is the interpretation presented by Applicants, not the erroneous interpretation suggested by the Examiner.

Further, MPEP § 2111 states, “[d]uring patent examination, the pending claims must be ‘given their broadest reasonable interpretation consistent with the specification’.” “This means that the words of the claim must be given their plain meaning unless the plain meaning is inconsistent with the specification. *In re Zletz*, 893 F.2d 319, 321, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989)”, (see, MPEP § 2111.01). A careful reading of the present specification makes clear that the “rounded edges” refers to the edge being rounded between the first diameter and the second diameter (i.e., in the radial direction), as is clearly illustrated in the Figures. Thus, the Examiner’s interpretation is inconsistent with the specification and is thus clear error. As such, Engelson does not teach or suggest “the helical groove defined by one or more rounded edges extending between the first diameter of the outer surface and the second diameter of the helical groove”, as recited in claim 1.

As the Examiner is well aware, “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). ... ‘The identical invention must be shown in as complete detail as is

contained in the ... claim.' *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)." (See MPEP § 2131). As discussed above, Engelson fails to teach each and every element in as complete of detail as is contained in claim 1. Therefore, for at least these reasons, claim 1 is believed to be not anticipated by Engelson. For similar reasons and others, claims 2 and 4-5, which depend from claim 1 and which include additional limitations, are believed to be patentable over Engelson.

Turning to claim 6, which recites:

6. An intravascular guidewire, comprising:
 - an elongate core member having a proximal end region and a distal end region, the distal end region having a solid, non-hollow cross-section taken perpendicular to a longitudinal axis of the elongate core member;
 - a polymer jacket affixed to the distal end region of the core member, the polymer jacket having a textured outer surface; and
 - wherein the textured outer surface is defined by a helical channel formed in the outer surface of the polymer jacket, wherein the helical channel includes a distal end, the distal end of the helical channel being disposed proximal of a distal end of the polymer jacket;
- whereto the helical channel is defined by two or more rounded edges.

With this Amendment, claim 6 has been amended to recite "wherein the helical channel is defined by two or more rounded edges". Nowhere does Engelson teach or suggest two or more rounded edges. In fact, a longitudinal cross-sectional view of the edges of Engelson teaches only a single edge. Therefore, for at least these reasons, claim 6 is believed to be not anticipated by Engelson. For similar reasons and others, claim 7 and 9-11, which depend from claim 6 and which include additional limitations, are believed to be not anticipated by Engelson.

Turning to claim 33, which recites:

33. A medical guidewire, comprising:
 - a solid, non-hollow elongate core member having a proximal region and a distal region;
 - a polymer jacket affixed to the distal region of the elongate core member, the polymer jacket having an outer surface, wherein a helical channel, defined by two or more rounded edges, is formed in the outer surface of the polymer jacket; and
 - a coating disposed over the polymer jacket.

As discussed previously, nowhere does Engelson teach or suggest "a helical channel, defined by two or more rounded edges, is formed in the outer surface of the polymer jacket". Therefore, for at least these reasons, claim 33 is believed to be not anticipated by Engelson.

Turning to claim 35, which recites:

35. A medical guidewire comprising:
an elongate core member having a proximal region and a distal region, the distal region of the elongate core member including a tapered diameter portion; and
a polymer jacket affixed to at least a portion of the tapered diameter portion of the distal region of the elongate core member;
wherein the polymer jacket has a textured outer surface defined by a helical groove formed in the outer surface of the polymer jacket, wherein the helical channel includes a distal end, the distal end of the helical channel being disposed proximal of a distal end of the polymer jacket, wherein the helical channel is defined, in part, by rounded edges extending between a first diameter of the outer surface of the polymer jacket to a second diameter different than the first diameter.

As discussed previously, nowhere does Engelson teach or suggest "wherein the helical channel is defined, in part, by rounded edges extending between a first diameter of the outer surface of the polymer jacket to a second diameter different than the first diameter", as recited in claim 35. Therefore, for at least these reasons, claim 35 is believed to be not anticipated by Engelson. For similar reasons and others, claims 36-38, which depend from claim 35 and which include additional limitations, are believed not to be anticipated by Engelson.

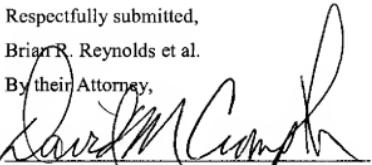
Conclusion

Reexamination and reconsideration are respectfully requested. It is respectfully submitted that all pending claims are now in condition for allowance. Issuance of a Notice of Allowance in due course is requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,

Brian R. Reynolds et al.

By their Attorney,


David M. Crompton, Reg. No. 36,772
CROMPTON, SEAGER & TUFTE, LLC
1221 Nicollet Avenue, Suite 800
Minneapolis, MN 55403-2420
Telephone: (612) 677-9050
Facsimile: (612) 359-9349

Date: 2/23/09